

THE CIRCUIT COURT OF MILLER COUNTY, ARKANSAS
CIVIL DIVISION [Civil, Probate, etc.]

ALEXIS HERRERA

Plaintiff

v.

No. 46CV-17-

COOPER TIRE & RUBBER COMPANY

Defendant

SUMMONS

THE STATE OF ARKANSAS TO DEFENDANT:

COOPER TIRE & RUBBER COMPANY

[Defendant's name and address.]

A lawsuit has been filed against you. The relief demanded is stated in the attached complaint. Within 30 days after service of this summons on you (not counting the day you received it) — or 60 days if you are incarcerated in any jail, penitentiary, or other correctional facility in Arkansas — you must file with the clerk of this court a written answer to the complaint or a motion under Rule 12 of the Arkansas Rules of Civil Procedure.

The answer or motion must also be served on the plaintiff or plaintiff's attorney, whose name and address are: Geoff Thompson; Rainwater, Holt & Sexton, P.A., P.O. Box 17250, Little Rock, AR 72222-7250

If you fail to respond within the applicable time period, judgment by default may be entered against you for the relief demanded in the complaint.

CLERK OF COURT

Address of Clerk's Office

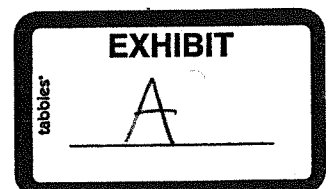
400 Laurel Street, Suite 109

Texarkana, AR 71854

[Signature of Clerk or Deputy Clerk]

Date: _____

[SEAL]



No. 45CV-17- This summons is for COOPER TIRE & RUBBER COMPANY (name of Defendant).

PROOF OF SERVICE

☐ I personally delivered the summons and complaint to the individual at _____ [place] on _____ [date]; or

☐ I left the summons and complaint in the proximity of the individual by _____ after he/she refused to receive it when I offered it to him/her; or

☐ I left the summons and complaint at the individual's dwelling house or usual place of abode at _____ [address] with _____ [name], a person at least 14 years of age who resides there, on _____ [date]; or

☐ I delivered the summons and complaint to _____ [name of individual], an agent authorized by appointment or by law to receive service of summons on behalf of _____ [name of defendant] on _____ [date]; or

☐ I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I served the summons and complaint on the defendant by certified mail, return receipt requested, restricted delivery, as shown by the attached signed return receipt.

☐ I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I mailed a copy of the summons and complaint by first-class mail to the defendant together with two copies of a notice and acknowledgment and received the attached notice and acknowledgment form within twenty days after the date of mailing.

☐ Other [specify]: _____

☐ I was unable to execute service because: _____

My fee is \$ ____.

To be completed if service is by a sheriff or deputy sheriff:

Date: _____

SHERIFF OF _____ COUNTY, ARKANSAS

By: _____

[Signature of server]

[Printed name, title, and badge number]

To be completed if service is by a person other than a sheriff or deputy sheriff:

Date: _____

By: _____

[Signature of server]

[Printed name]

Address: _____

Phone: _____

Subscribed and sworn to before me this date: _____

Notary Public

My commission expires: _____

Additional information regarding service or attempted service:

Documents served include Summons, Complaint, and
Plaintiff's First Set of Discovery to Defendant



Arkansas Judiciary

Case Title: ALEXIS HERRERA V COOPER TIRE & RUBBER
COMPANY
Case Number: 46CV-17-314
Type: SUMMONS - FILER PREPARED

So Ordered

A handwritten signature in black ink, appearing to read "Mary L. Lacey".



MILLER COUNTY CIRCUIT CLERK

ELECTRONICALLY FILED
Miller County Circuit Court
Mary Pantley, Circuit Clerk
2017-Aug-22 09:21:58
46CV-17-314
C08SD01 : 6 Pages

IN THE CIRCUIT COURT OF MILLER COUNTY, ARKANSAS

DIVISION

ALEXIS HERRERA

PLAINTIFF

VS.

CASE NO. 46CV-17-_____

COOPER TIRE & RUBBER COMPANY

DEFENDANT

COMPLAINT

COMES NOW the Plaintiff, Alexis Herrera, by and through his attorneys, RAINWATER, HOLT & SEXTON, P.A., and for his Complaint against the Defendant, states and alleges the following:

I. RESIDENCY AND PARTIES

1. Plaintiff Alexis Herrera was at all times relevant a citizen and resident of De Queen, Sevier County, Arkansas.

2. Defendant Cooper Tire & Rubber Company is a Foreign For Profit Corporation licensed to do business in the State of Arkansas. Defendant Cooper Tire & Rubber Company's principal address is 3500 Tennessee Road, Texarkana, Miller County, Arkansas 71854. Defendant Cooper Tire & Rubber Company's registered agent for service of process is The Corporation Company located at 124 West Capitol Avenue, Suite 1900, Little Rock, Arkansas.

3. At the time of the incident, Plaintiff was on Defendant Cooper Tire & Rubber Company's premises, located at 3500 Tennessee Road, Texarkana, Miller County, Arkansas 71854.

4. Defendant Cooper Tire & Rubber Company is, and was at all times relevant hereto, the owner and operator of a plant located at 3500 Tennessee Road, Texarkana, Miller County, Arkansas 71854.

5. The incident giving rise to this cause of action occurred on January 1, 2016 at Cooper Tire & Rubber Company, 3500 Tennessee Road, Texarkana, Miller County, Arkansas 71854.

II. JURISDICTION AND VENUE

6. This Court has jurisdiction pursuant to Ark. Cont. Art. 7 § 11, which provides that circuit courts shall have jurisdiction in all civil cases; and pursuant to Ark. Code Ann. § 16-13-201(a), which provides that circuit courts shall have original jurisdiction of all actions and proceedings for the redress of civil grievances except where exclusive jurisdiction is given to other courts.

7. Venue is proper pursuant to Ark. Code Ann. § 16-60-112(a), which provides that all actions for damages for personal injury may be brought in the county where the incident occurred or in the county where the person injured resided at the time of the injury. In this case, the county where the incident occurred is Miller County.

III. BASIC PREMISE

8. This is a negligence case which arises from an incident which occurred at a Cooper Tire & Rubber Company facility located in Miller County, Arkansas on or about January 1, 2016.

IV. FACTS

9. On or about January 1, 2016, Plaintiff was employed by Tallant Industrial, Inc. as a Welder/Millwright Journeyman.

10. During the course and scope of his employment with Tallant Industrial, Inc., Plaintiff was at Defendant's premises in Texarkana, Miller County, Arkansas, constructing a cat walk with hand rails around equipment.

11. Defendant had agreed that it would shut down equipment in its plant so that the cat walk and hand rail construction project could be safely completed during a "shut down" of plant activity.

12. Instead, Defendant continued to operate during the construction process. Defendant continued to operate dangerous machinery on its premises in close proximity to the construction area.

13. Defendant had Plaintiff performing services next to a piece of equipment that included a series of gears and pulleys, sprockets and chains. These moving parts were unshielded.

14. Plaintiff was wearing proper safety gloves at the time he was working on the construction process. One of the gloves became ensnared in

the gears and pulley system, pulling Plaintiff's hand into the dangerous machinery.

15. Plaintiff's thumb was trapped by the machine and its mechanism chewed through part of his thumb from his left hand.

16. The machinery did not have a guard on them to prevent objects, such as Plaintiff's glove and thumb, from being ensnared in it.

17. Also as a result of the incident, Plaintiff has undergone surgeries to attempt to treat and repair his injuries. His injuries are permanent in nature.

V. CAUSE OF ACTION - NEGLIGENCE

18. Plaintiff's personal injuries and damages were proximately caused by Defendant's breach of their duty of care owed to Plaintiff. Defendant's actions or inactions were careless and negligent in the following particulars:

- a. The defendant failed to implement reasonable and prudent procedures;
- b. The defendant failed to properly warn plaintiff about the hazards associated with machine; and
- c. The defendant failed to exercise ordinary care for the safety of plaintiff.

19. Defendant owed Plaintiff a duty of reasonable care owed to Plaintiff and said breach proximately caused the incident and Plaintiff's injuries and damages.

VI. PROXIMATE CAUSATION

20. Defendant's negligence proximately caused the incident involving Plaintiff on January 1, 2016, and his injuries and damages proximately caused by the incident.

VII. DAMAGES

21. Plaintiff sustained personal injuries and damages that were proximately caused by Defendant's negligence. Accordingly, Plaintiff is entitled to the following damages:

- a. The nature, extent, duration, and permanency of his injuries;
- b. The full extent of the injuries he sustained;
- c. The expense of his medical care, treatment and services received, including transportation, board and lodging expenses and those expenses reasonably certain to be required in the future;
- d. Any pain, suffering and mental anguish experienced in the past and reasonably certain to be experienced in the future;
- e. The present value of any loss of ability to earn in the past and future;
- f. Loss of income, past and future; and

g. Any visible results of his injuries.

22. The injuries described herein have been suffered in the past and are reasonably certain to continue in the future.

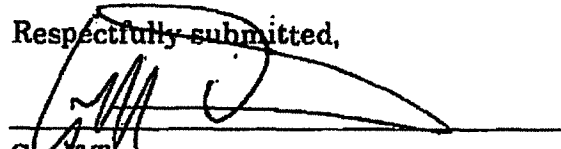
VIII. DEMAND FOR JURY TRIAL

23. Plaintiff hereby demands a trial by jury.

IX. DEMAND AND PRAYER

24. Plaintiff demands judgment against the Defendant, for injuries and damages which were proximately caused by Defendant's negligence for a sum in excess of that required for federal court jurisdiction in diversity of citizenship cases and sufficient to fully compensate the Plaintiff for compensatory damages; for prejudgment interest and post-judgment interest at the maximum rate allowed by law; for reasonable expenses; costs; attorney fees; and for all other proper relief to which he is entitled.

Respectfully submitted,



Geoff Thompson

Arkansas Bar No. 2002093

RAINWATER, HOLT & SEXTON, P.A.

P.O. Box 17250

Little Rock, AR 72223

Telephone: (501) 868-2500

Facsimile: (501) 868-2505

E-Mail: Thompson@RainFirm.com

Attorneys for Plaintiff



**Service of Process
Transmittal**

09/01/2017

CT Log Number 531871267

TO: Stephen Zamansky, General Counsel
Cooper Tire & Rubber Company
701 Lima Ave
Findlay, OH 45840-2388

RE: Process Served in Arkansas

FOR: COOPER TIRE & RUBBER COMPANY (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: ALEXIS HERRERA, Pltf. vs. COOPER TIRE & RUBBER COMPANY, Dft.

DOCUMENT(S) SERVED: Letter, Summons, Proof of Service, Attachment(s), Complaint, First Set of Discovery

COURT/AGENCY: Miller County Circuit Court, AR
Case # 46CV17314

NATURE OF ACTION: Employee Litigation - Personal Injury - 01/01/2016

ON WHOM PROCESS WAS SERVED: CT Corporation System, Little Rock, AR

DATE AND HOUR OF SERVICE: By Certified Mail on 09/01/2017 postmarked on 08/30/2017

JURISDICTION SERVED : Arkansas

APPEARANCE OR ANSWER DUE: Within 30 days after service of this summons on you (not counting the day you received it)

ATTORNEY(S) / SENDER(S): Geolf Thompson
RAINWATER, HOLT & SEXTON, P.A.
P.O. Box 17250
Little Rock, AR 72223
501-868-2500

ACTION ITEMS: CT has retained the current log, Retain Date: 09/02/2017, Expected Purge Date: 09/07/2017

Image SOP

Email Notification, Kathleen Cindric kmcindric@coopertire.com

Email Notification, Jodi Gemlick jlgemlick@coopertire.com

Email Notification, Connie Thomas clthomas@coopertire.com

Email Notification, Kim Blunk kiblunk@coopertire.com

SIGNED: CT Corporation System

ADDRESS: 124 West Capitol Avenue
Suite 1900
Little Rock, AR 72201-3736

TELEPHONE: 202-572-3133

CERTIFIED MAIL



7016 0750 0000 2576 5836

U.S. POSTAGE >>> PITNEY BOWES



ZIP 72223 \$ 007.71⁰
02 4H
00003333501 AUG 30 2017



P.O. Box 17250, Little Rock, AR 72222-7250

Via Certified Mail/Return Receipt Requested

Cooper Tire & Rubber Company

c/o The Corporation Company - Registered Agent

124 West Capitol Ave, Ste 1900

Little Rock, AR 72201



RAINWATER HOLT & SEXTON, P.A.

ATTORNEYS AT LAW

P.O. Box 17250 Little Rock, AR 72222-7250 Tel: 800-434-4800 Fax: 501-868-2505 www.rainfirm.com

August 29, 2017

Michael R. Rainwater *†
J. Stephen Holt (1967-2014)
Robert M. Sexton ‡
Jason E. Owens †
Matthew C. Hutsell *
Jeremy M. McNabb †‡
John M. Rainwater
Jessica B. Vaught
Thomas J. Diaz o
Robert L. Beard, Jr.
Geoff Thompson
John D. Miller III
Denise R. Hoggard †‡
Danielle E. Robertson
Lauren A. Manatt
JaNan A. Davis
Laura Beth York
Joshua D. Standerfer
Christopher M. Floyd
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Jake M. Logan
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Kirby D. McDonald
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Milton A. DeJesus
Of Counsel

Little Rock
501-868-2500
Conway
501-328-2000
Hot Springs
501-525-9000
Fayetteville
479-271-2310

Also licensed in:
* Mississippi
† Missouri
‡ Tennessee
o Wisconsin
‡-Texas

Via Certified Mail/Return Receipt Requested


Cooper Tire & Rubber Company
The Corporation Company - Registered Agent
124 West Capitol Ave, Ste 1900
Little Rock, AR 72201

Re: Herrera v. Cooper Tire & Rubber Company
Miller County Circuit No. 46CV-17-314

Dear Cooper Tire & Rubber Company:

Pursuant to the Arkansas Rules of Civil Procedure, enclosed is a Summons, Complaint, and Plaintiff's First Set of Discovery to Defendant filed on behalf of Alexis Herrera against you on 8/22/2017 in Miller County Circuit Court. You are strongly encouraged to contact your insurance company or attorney immediately.

Sincerely,


Geoff Thompson

hns
Enclosures
7000.18300-LT